

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NEW YORK STATE RESTAURANT ASSOCIATION,

Plaintiff,

- against -

NEW YORK CITY BOARD OF HEALTH, NEW YORK
CITY DEPARTMENT OF HEALTH AND MENTAL
HYGIENE, and Thomas R. Frieden, in His Official
Capacity as Commissioner of the New York City
Department of Health and Mental Hygiene,

07 CIV 5710 (RJH)

Defendants.

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Cross-Motion by:

Michael A. Cardozo, Corporation Counsel of the City of
New York, attorney for defendants NEW YORK CITY
BOARD OF HEALTH, NEW YORK CITY
DEPARTMENT OF HEALTH AND MENTAL
HYGIENE, and Thomas R. Frieden, in His Official
Capacity as Commissioner of the New York City
Department of Health and Mental Hygiene,

Location and Date of Return:

Before United States District Judge Richard J. Holwell,
Southern District of New York, 500 Pearl Street, New
York, NY 10007, on July 25, 2007, at 2:30 p.m.

Supporting Papers:

The Declaration of Dr. Thomas Frieden, dated July 5, 2007,
and the exhibits annexed thereto; the Declaration of Bruce
Krueger, dated July 3, 2007; the City's Rule 56.1
Statement, dated July 24, 2007; the Defendants'
Memorandum of Law, dated July 5, 2007; and upon all of
the proceedings heretofore had herein.

Relief Requested: An Order, pursuant to FRCP 56(b), granting summary judgment to the defendants, and for such further relief as this Court may deem just and proper.

Dated: New York, New York
July 24, 2007

MICHAEL A. CARDOZO
Corporation Counsel of the City of New York,
Attorney for the City Defendants

By:

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By ECF: Peter Zimroth, attorney for plaintiff

Stephen Henry Gardner, attorney for amici Public Citizen and CSPI

Brian Lewis Bromberg, attorney for amicus Rudd Center for Food Policy & Obesity

By e-mail: Francesca Gessner, attorney for amici City and County of San Francisco et al.